

BILL NO. Z-86- 04-23

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-6.

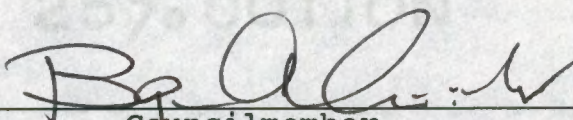
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lot #1 & #2 except the East 69 1/2 feet thereof in
Kuhne and Heaton's Addition and all of Lot #3 in Kuhne
& Heaton's Addition,

and the symbols of the City of Fort Wayne Zoning Map No.
K-6, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.



Councilmember

APPROVED AS TO FORM AND LEGALITY:



BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by E. Isbartsch
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Legislation (and the Ci
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., E

DATE: 4-22-86 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

Check #

865069

No 555

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.

2/14 1986

RECEIVED FROM

Thelma Lapunka

\$ 50.00

THE SUM OF

Fifty + 00/100

100

DOLLARS

ON ACCOUNT OF

3319, 3325

Reynolds

3317

Broadway

B. Steele

AUTHORIZED SIGNATURE

(2)

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Thelma Lapunka
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B 1 B District to a/an B 3 B District the property described as follows:

and
1. ~~South 1/2 of Lot 2, Kubne & Heaton Add - 3319 Broadway~~

and
2. ~~East 60' of Lots 1 & 2 Kubne & Heaton Add - 3325 Broadway~~

and
3. ~~Lot 3 Kubne & Heaton Add - 3317 Broadway~~

2. Lots Numbers 1 AND 2, EXCEPT THE EAST 60' X 2 FEET
thereof, in Kubne and Heaton's Addition. (all
of Lot #3 in Kubne & Heaton's Add -
(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3325 Broadway

3319 Broadway

3317 Broadway

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

_____	_____	_____
Thelma Lapunka	C/O Summit Transmission	
(Name)	3325 Broadway	<u>Thelma Lapunka</u>
	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

N/A (Name) _____ (Address & Zip Code) _____ (Telephone Number) _____

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

2/2/04
ah
W

Legal Description of property to be rezoned.

Owners of Property

Thelma Lapunka

(Name)

C/O Summit Transmission

3325 Broadway

(Address)

Thelma Lapunka

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

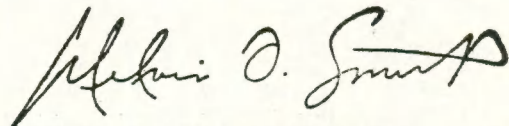
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
30 day of April 1986.



Melvin O. Smith
Secretary

FACT SHEET

Z-86-04-23

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

3317-19 & 3325 Broadway

Reason for Project

To expand on a non-conforming use of
a transmission repair facility.

Discussion (Including relationship to other Council actions)21 April 1986 - Public Hearing

William Swift, attorney for the petitioners stated that this property is presently in a commercial area. He stated over the years this property has been used for a number of automotive service type uses. He stated his client presently is using is for a transmission repair shop. He stated that the B-1-B zoning allows for a service station that can do automotive repair as an ancillary use. He stated that that they would be willing to restrict the property, if rezoned, to only B-1-B uses and the transmission service. He stated that rezoning the property to a B-3-B is the only means of expanding the business. He presented the Commission with a petition signed by area residents in support of the rezoning.

The petitioner stated that they were presently using a portion of the lot for the transmission service. He stated that there is a house sitting on the northern most portion of the property and they intend to tear the house down and add three more bays. He stated that the house is in disrepair

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Thelma Lapunka
City Department

Other

Opponents**Groups or Individuals**Marion & Margaret Stettler;
Helen Wyss; Gayle Griffith;
Basis of Opposition

Not Given

**Staff
Recommendation**☐ For ☒ Against**Reason Against**adverse impact on area
-spot zoning**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for condition**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

and not habitable. He stated that they presently have two bays and an office.

Edith Kenna questioned if they are presently operating under a non-conforming use and how long.

He stated they were and have been for 7 months.

Edith Kenna questioned what was on the property prior to this.

He stated a truck repair service.

Edith Kenna questioned if they were planning to lanscape and what their hours of operation were.

The petitioner stated that they intended to landscape and their hours were presently 8 to 5:30. He stated they do not do evening work.

Edith Kenna read into the record statements of opposition from the following: Marion & Margaret Stettler, 1221 W. Packard Street; Helen Wyss, 3305 Broadway; Gayle Griffith, 3306 Broadway; Virgil McFadden, 3310 Broadway; John Rosencrans, 3309 Broadway and Betty Harter, 3306 Broadway.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 April 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

motion carried.

Of the 8 members present, 7 voted in favor of denial, one did not vote.

^m **Project Start** **Date** 14 February 1986

Projected Completion or Occupancy **Date** 30 April 1986

Fact Sheet Prepared by **Date** 30 April 1986

Patricia Biancaniello

Reviewed by **Date** 30 April 1986

Gary Butler
Reference or Case Number

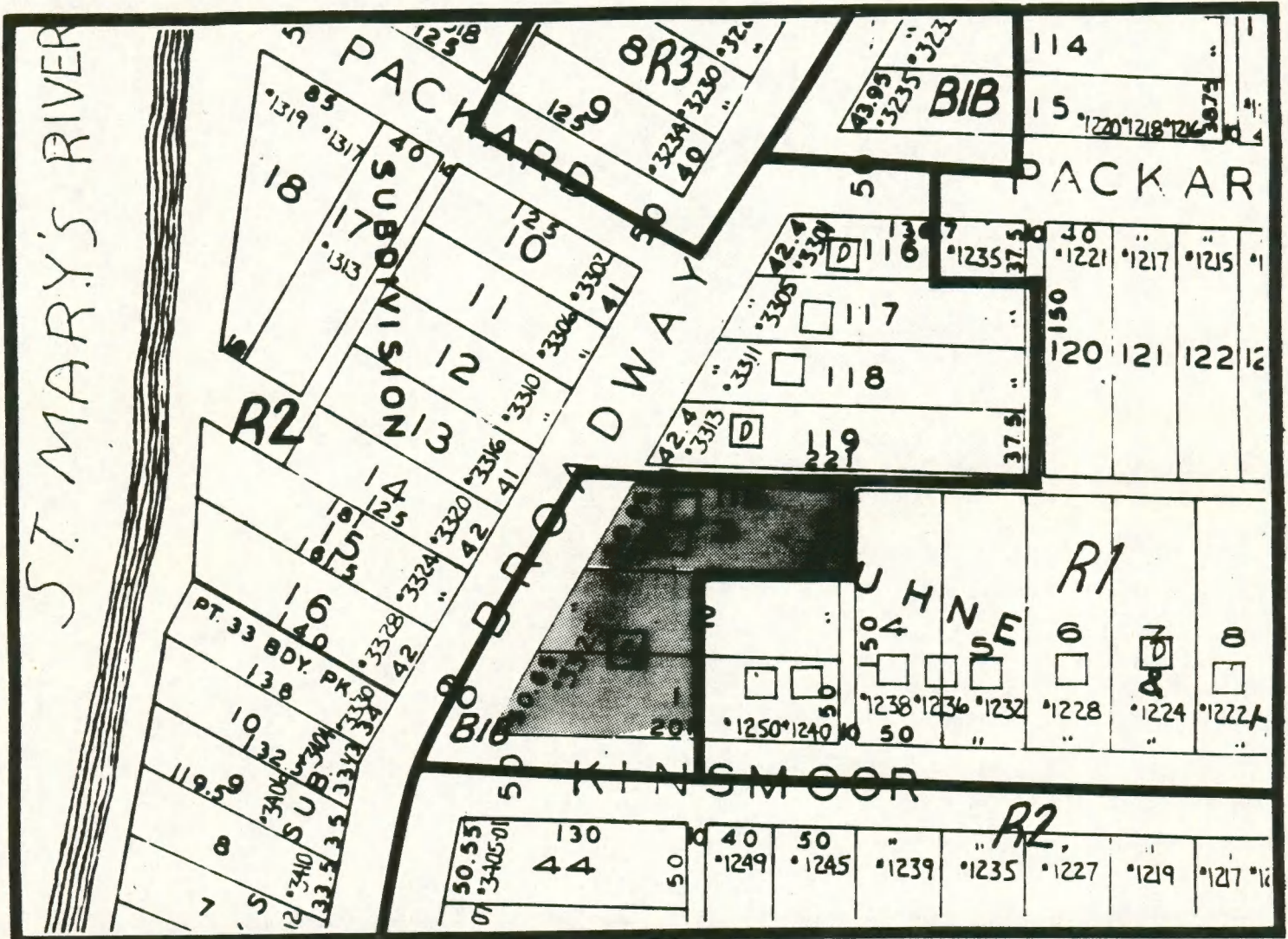
30 April 1986

REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN BIB DISTRICT TO A B3B DISTRICT

MAP NO. K-7

COUNCILMANIC DISTRICT NO. 5



ZONING:

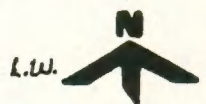
BIB LIMITED BUSINESS B
 R1 RESIDENTIAL DISTRICT
 R2 RESIDENTIAL DISTRICT
 R3 RESIDENTIAL DISTRICT

LAND USE:

□ SINGLE FAMILY
 □ DUPLEX
 □ COMMERCIAL

SCALE: 1"=100'

DATE: 2-27-86



ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. 5

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-86-04-23

SYNOPSIS OF ORDINANCE 3317-3319-3325 Broadway

EFFECT OF PASSAGE Property is now zoned B-1-B - Limited Business. Property
will be zoned B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-86-04-23

Hold

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. K-6

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
~~XXXXXXXXXX~~ (RESOLUTION) _____

YES

NO

_____	BEN A. EISBART CHAIRMAN	_____
_____	JANET G. BRADBURY VICE CHAIRWOMAN	_____
_____	DONALD J. SCHMIDT	_____
_____	THOMAS C. HENRY	_____
_____	CHARLES B. REDD	_____

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK